

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALLEN HAMMLER,

Plaintiff,

v.

SACRAMENTO COUNTY, et al.,

Defendants.

No. 2:23-cv-02778-DAD-JDP (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION

(Doc. No. 9)

Plaintiff Allen Hammler is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 24, 2025, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff's failure to prosecute, failure to comply with court orders, and failure to state a claim. (Doc. No. 9.) Specifically, the magistrate judge noted that on October 16, 2024, the court screened plaintiff's complaint and dismissed it for failure to state a claim and also granted plaintiff thirty days in which to file an amended complaint to attempt to cure the noted pleading deficiencies. (*Id.* at 1; Doc. No. 7.) On December 4, 2024, observing that plaintiff failed to file an amended complaint or otherwise respond to the court's order, the magistrate judge ordered plaintiff to show cause

1 why this action should not be dismissed. (Doc. No. 8.) Plaintiff was warned that failure to
2 respond would result in a recommendation that this action be dismissed. (*Id.*) Plaintiff did not
3 respond to the court's order or file an amended complaint.

4 The pending findings and recommendations were served on plaintiff and contained notice
5 that any objections thereto were to be filed within fourteen (14) days after service. (Doc. No. 9 at
6 3.) To date, no objections have been filed, and the time in which to do so has passed.

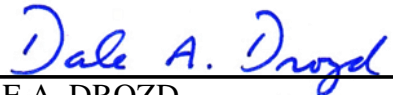
7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
8 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
9 pending findings and recommendations are supported by the record and proper analysis.

10 Accordingly,

- 11 1. The findings and recommendations issued on January 24, 2025 (Doc. No. 9) are
12 ADOPTED in full;
- 13 2. This action is DISMISSED without prejudice for failure to prosecute, failure to
14 comply with court orders, and failure to state a claim; and
- 15 3. The Clerk of the Court is directed to CLOSE this case.

16 IT IS SO ORDERED.

17 Dated: May 13, 2025

18 
19 DALE A. DROZD
20 UNITED STATES DISTRICT JUDGE
21
22
23
24
25
26
27
28